

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WAYNE A. JOHNAKIN,  
Plaintiff

v.

DEBRA ANDIDORA, *et al.*,  
Defendants

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CIVIL NO. 1:11-CV-2393

*O R D E R*

AND NOW, this 9th day of May, 2012, upon consideration of the Report and Recommendation ("R&R") (Doc. 8) of Magistrate Judge Blewitt, to which no objections were filed, and upon independent review of the record, the court finds no error in the R&R and concludes that the R&R should be adopted. Accordingly, it is ORDERED that:

1. The R&R (Doc. 8) is adopted.
2. To the extent that Plaintiff seeks money damages, both compensatory and punitive, against Defendants in their *official* capacities, such claims for money damages are dismissed with prejudice. Leave to amend is denied as futile.
3. All of Plaintiff's claims against Defendants Nish and Dulske are dismissed with prejudice. Leave to amend is denied as futile. The Clerk of Court is directed to terminate Defendants Nish and Dulske as defendants in this action.
4. All of Plaintiff's claims that arose before December 12, 2009 are dismissed with prejudice, on the basis that they are time-barred. Leave to amend is denied as futile.

5. Plaintiff's Eighth Amendment claims of denial of proper medical care may proceed against Defendants Andidora and Presavento, to the extent that such claims arose no earlier than December 12, 2009.

6. This case is remanded to the Magistrate Judge for further proceedings, including a report and recommendation on dispositive motions.

/s/ William W. Caldwell  
William W. Caldwell  
United States District Judge